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Add the following claim:

A2
1 --69. The apparatus of claim 1, wherein said at
2 least one energy storing element is disposed in a radially
3 outer portion of said housing.--.

R E M A R K S

The last Official Action (Paper No. 6) has been carefully considered.

Applicants respectfully request careful reconsideration of the objection to the specification under the first paragraph of 35 U.S.C. 112. The term "Föttinger coupling" is well known in the relevant art. For example, the highly respected German-English Dictionary of Industrial Technology by Dr.-Ing. Richard Ernst (deceased in 1992) defines a "Föttinger-kupplung" as a --Föttinger coupling or transmitter-- (page 367 of the last (1989) Edition). Numerous US patents refer to Föttinger couplings as to couplings which are well known in the relevant art. If the Primary Examiner still considers it necessary or advisable, applicants will furnish prints of such patents or other relevant literature in support of the position that such couplings are well known to those skilled in the art to which the present invention belongs.

The claim 3 has been retained in the case because applicants believe that the Primary Examiner will reconsider the objections to the specification under the first paragraph of 35 U.S.C. 112.

As concerns the rejection of claim 40 under the second paragraph of 35 U.S.C. 112, applicants respectfully draw attention to their claim 36 (parent to claim 38 which is parent to claim 39 which, in turn, is parent to claim 40) wherein the last two lines recite that the runner (such as 113) is movable relative to the output element (such as 114) in the direction of the axis X-X. This is believed to furnish an adequate antecedent for the language in lines 2-3 of the claim 40. Thus, if a part is movable in a particular direction, the extent of such movability can be readily varied, for example by the means provided on the intermediate member (such as 140) of the improved apparatus. Therefore, it would appear that the formulation of the claim 40 satisfies the provisions of the second paragraph of 35 U.S.C. 112. Nevertheless, applicants will be pleased to alter the language of the claim 40 if the Primary Examiner still considers it necessary or advisable. Applicants will gratefully accept any proposal by the Primary Examiner as long as such proposal defines the same feature as that sought to be defined by the present claim 40.

The specification has been revised to provide antecedents for the terms "driving device" (OD) and "driven device" now called for in the claims. Such revision is believed to be advisable in order to facilitate

the understanding of the claims which also refer to "output members" and "output elements".

The rejection of the claims 1-8, 18, 19, 21, 24-27, 29, 30 and 36-47 as being anticipated by the disclosure in the Japanese patent No. 54-145860 to Toyota is believed to warrant full reconsideration for reasons which will be explained below:

*the housing
is the driven
device!*

Toyota proposes to install the energy storing element 25 in such a way that it operates between the runner or turbine 10 and a sheet-metal piston 15. When the bypass clutch of the Toyota device is engaged, the piston 15 is non-rotatably coupled to the housing including the parts 5 and 6. On the other hand, applicant's energy storing element 20 and/or 21 is disposed in a power train between the turbine or runner 13 and the driven device 12. This alone suffices to warrant full reconsideration of the rejection of applicants' independent claims 1 and 36 as being anticipated by (or even obvious in view of the disclosure in) the Japanese patent to Toyota. The same applies for all of the claims which refer to the independent claim 1 and/or 36. Also, this is believed to hold true for the matter of the newly added claim 69 which refers to the claim 1 and further recites that the at least one energy storing element (such as 20 and/or 21) is adjacent the radially outer portion of the housing 2.

The claim 36 is believed to patentably distinguish over the teaching of the Japanese patent to Toyota on the additional ground that it recites a turbine or runner (such as 113) which is movable relative to the output element (such as 114) in the direction of the axis (such as X-X). This is contrary to the teaching of Toyota which discloses a device wherein the runner or turbine 10 is non-movably riveted to the output element 12.

The rejection of claims 1-8, 11-17, 22 and 25 as being anticipated under 35 U.S.C. 102(2) by the disclosure in the commonly owned US patent No. 5,377,796 to Friedmann et al. also appears to warrant careful reconsideration. Thus, the energy storing element 19 of Friedmann et al. does not operate between the turbine or runner 13 and the driven device 14 (as called for in applicants' claim 1) but rather between the housing 2 and the runner or turbine 13. Furthermore, the turbine or runner 13 of Friedmann et al. is rigid with the output element or hub 14 of the patented device.

It is believed that the rejection of the claims 9 and 10 as being unpatentable over Friedmann et al. under 35 U.S.C. 103 need not necessitate a detailed discussion at this time in view of the aforescussed basic differences between the teaching of this reference and the matter of the claim 1 from which the claims 9 and 10 depend. The

same is believed to hold true for the matter of the claim 41 which was rejected under 35 U.S.C. 103 as being directed to matter which is obvious in view of the disclosure in the Japanese patent No. 54-145860 to Toyota. The claim 41 depends from the claim 36 which is believed to patentably distinguish over the teaching of Toyota for reasons pointed out on pages 5 and 6 of this Paper.

The prior art referred to on page 6 of Paper No. 6 has been studied with interest. Applicants generally agree with the Primary Examiner's interpretation of the relevancy of the non-applied prior art except that applicants believe that a more accurate definition of the relationship of such art to the matter of claims which are active in the present case would be that the non-applied references "disclose torque transmitting devices having somewhat similar characteristics as in applicant's present invention" (emphasis by the attorney who was in charge of drafting the reply to Paper No. 6).

This Paper is believed to place the case in condition for allowance with claims 1 through 69, and such Action at an early date is earnestly solicited. If the Primary Examiner believes that a conference, either per telephone or at the United States Patent and Trademark Office, is advisable or necessary (e.g., to clarify the matters relating to the Föttinger coupling and/or the

antecedents for the matter of claim 40), applicants respectfully request that the Primary Examiner contact Peter K. Kontler (telephone (941) 262 8492) in order to arrange for an interview at a time which will be acceptable to the Primary Examiner.

The prescribed fee for one claim in excess of the original number of claims, and in payment of surcharge for delayed filing of this Response is enclosed.

Respectfully submitted,
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Encl.